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EXAMINER

CHOW, MING

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/943,587

Applicant(s)

ARUNACHALAM,  
CHOCKALINGAM

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_

***Claim Objections***

Claim 14 is objected to because of the following informalities: The term “too” should be spelled as “to”. Appropriate correction is required.

1. Claim 14 is objected to because of the following informalities: The term “too” should be spelled as “to”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 8, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “outside” is not clearly defined.

3. Claims 1, 8, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “a portion” is not clearly defined.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase "voice response unit includes said voice path switch" of claim 7 is not disclosed by the specification. On item 16 (voice path switch) and item 18 (voice response unit) of Fig. 2 of the specification show two different entities and there is no inclusion relationship between the two units.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Morganstein (US-PAT-NO: 5,309,504).

For claims 1, 8, 9, regarding a voice path switch, responsive to said IVR and to said telephone signals, for selectively connecting said telephone signals received from said plurality of outside parties utilizing said plurality of outside telephone apparatus to at least one of said operator terminals and said IVR dependent upon whether operator assistance is required for each of said plurality of outside parties, Morganstein teaches on item 34 Fig. 1 telephone switching system. The telephone switching system of Morganstein is the claimed "voice path switch". Morganstein also teaches on column 1 line 37 an interactive voice response computer. The "interactive voice response computer" of Morganstein is the claimed IVR. Morganstein also teaches on column 1 line 39 "in the event operator assistance is required, a computer connects the calling party to an attendant position equipped with a data terminal". The "attendant position equipped with a data terminal" of Morganstein is the claimed "operator terminal". The "in the event operator assistance is required" of Morganstein is the claimed "whether operator assistance is required". Regarding a voice response unit interface for receiving an automatic number identifier (ANI) for

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each outside call handled by said IVR along with at least a portion of said plurality of interactive data exchange records exchanged between said outside party and said IVR, said voice response unit interface including memory for storing said received interactive data exchange records and a lookup table for storing each said received ANI associated with each outside call handled by said IVR. Morganstein teaches on column 3 line 50 “automatic number identification (ANI) equipment for identifying the calling party and providing such information to the data base computer for retrieving an associated record so that it can be later displayed. The “information” of Morganstein is the claimed “data exchange records”. It is inherent that there must be an interface (the claimed voice response unit interface) to receive an automatic number identifier (ANI). It is inherent that there must be a memory for the data base to store information. It is inherent that the data base has tables (the claimed lookup table) for storing the ANI information. Regarding at least one queue, for storing at least calls handled by said IVR, it is inherent that there must be at least one queue for storing at least calls handled by IVR (when multiple calls arrive at the IVR at the same time). Regarding a data controller, responsive to said queue and said voice response unit interface, for identifying an ANI for each call identified in said specified queue, for comparing each said identified ANI with the ANIs stored in the voice response unit interface lookup table, for retrieving said collected data associated with an ANI stored in said voice response unit interface, and for providing said retrieved data to at least one operator terminal assigning to handle said outside call, Morganstein teaches on item 72 Fig. 2 “common control”. The “common control” of Morganstein is the claimed “data controller”. Morganstein also teaches on item 226 Fig. 4C “access memory, retrieve caller ID and terminal ID”. The “retrieve caller ID” of Morganstein reads on the claimed “comparing each said identified ANI

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with the ANIs stored in the voice response unit interface lookup table”. The “terminal ID” of Morganstein is the claimed “data associated with an ANI”. Morganstein further teaches on item 228 Fig. 4C “assemble and transmit instruction to host computer to display data associated with caller ID on the terminal having terminal ID”. The “transmit ... to display” of Morganstein reads on the claimed “providing”. The “terminal having terminal ID” of Morganstein is the claimed “operator terminal”.

Regarding claims 2 and 10, Morganstein teaches on column 1 line 37 an interactive voice response computer allows an exchange of information between a data base and the calling party. The interactive voice response computer (the claimed voice response unit) includes at least one data base.

Regarding claims 3 and 11, it is inherent that the voice response unit and voice response unit interface must share a common database (since the “voice response unit interface” is an access interface for the “voice response unit” to receive and transmit information).

Regarding claims 4 and 12, Morganstein teaches on item 18 Fig. 1 “host computer”. Morganstein also teaches on item 20 Fig. 1 “data base”.

Regarding claims 5 and 13, Morganstein teaches on column 1 line 37 an interactive voice response computer allows an exchange of information between a data base and the calling party. It is inherent that the data base must reside on one host system.

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Regarding claim 6, Morganstein teaches on column 4 line 33 the switching system can be of the PBX.

Regarding claim 7, Morganstein teaches on item 12 Fig. 1 a call distribution system. The “call distribution system” of Morganstein is the claimed “voice response unit”. The “call distribution system” includes the “voice path switch” (item 34, Fig. 1).

Regarding claim 14, it is inherent that a switch must comprise a queue.

Regarding claim 15, Morganstein teaches on Fig. 4C “return”. It is inherent that the data switch controller must monitor the queue for the next queued call and return to the beginning of the process (of Fig. 4C) for the next call.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein as applied to claim 15 above, and in view of Kennedy et al (US-PAT-NO: 6,301,480). Morganstein failed to teach the IVR comprises a first ANI means and the data switch controller comprises a second ANI means. However, Kennedy et al teach on column 5 line 40 switch directs a service message received from mobile unit to switch or IVR unit for DTMF decoding. The “DTMF decoding” of Kennedy et al reads on the claimed “first ANI means”. Kennedy et al also teach on item 430 Fig. 7 “communicate data message to service center using mobile unit identifier and data network”. It is inherent that there must be a data switch controller on the data network. The “data message ... using mobile unit identifier” of Kennedy et al reads on the claimed “second ANI means”. It would have been obvious to one skilled at the time the invention was made to modify Morganstein to have the IVR comprises a first ANI means and the data switch controller comprises a second ANI means as taught by Kennedy et al such that the modified system of Morganstein would be able to support the first and second ANI means to the system users.

Regarding claim 17, Morganstein failed to teach the means for selectively connecting the incoming telephone call to an interactive voice response unit (IVR) or a voice path switch is a second voice path switch. However, Kennedy et al teach on item 102 Fig. 2 “voice path” connects the incoming telephone call to an interactive voice response unit (IVR). It would have been obvious to one skilled at the time the invention was made to modify Morganstein to have means for selectively connecting the incoming telephone call to an interactive voice response unit (IVR) or a voice path switch is a second voice path switch as taught by Kennedy et al such

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that the modified system of Morganstein would be able to support the means for connecting the incoming telephone call to an IVR to the system users.

Regarding claim 18, Morganstein failed to teach IVR comprises the means for selectively connecting the incoming telephone call to an interactive voice response unit (IVR) or a voice path switch. However, Kennedy et al teach on item 102 Fig. 2 “voice path” connects the incoming telephone call to an voice path switch (item 100 Fig. 2). It would have been obvious to one skilled at the time the invention was made to modify Morganstein to have IVR comprises the means for selectively connecting the incoming telephone call to an interactive voice response unit (IVR) or a voice path switch as taught by Kennedy et al such that the modified system of Morganstein would be able to support the means for connecting the incoming telephone call to a voice path switch to the system users.

### ***Conclusion***

7. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Cohn et al (US-PAT-NO: 6,411,684) teach network-based multimedia communications and directory system and method of operation.

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8. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to TC2600's Customer Service FAX Number 703-872-9314.**

Patent Examiner

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Ming Chow



**FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**

